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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,110	03/16/2001	Ryuichi Matsukura	1405.1038	8919

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EXAMINER

FILIPCZYK, MARCIN R

ART UNIT	PAPER NUMBER
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2171

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DATE MAILED: 05/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,110

Applicant(s)

MATSUKURA ET AL.

Examiner

Marc R Filipczyk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

This Action is responsive to application filed on March 16, 2001 in which claims 1-22 are presented for examination. Priority papers filed on March 16, 2002 have been noted.

Drawings

The drawings are objected to because additional information database, additional information presentation means, and all other “additional” means, systems, methods or databases are confusing and seem inconsistent. Examiner requests that the applicable “additional” phrases be replaced with definite terminology such as “second” for example.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The **title** of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: “User profile based selecting product system and method”.

The **disclosure** including the abstract of the invention is objected to because of the following informalities: Additional information database, additional information presentation means, and all other “additional” means, systems, methods or databases are confusing and seem inconsistent. Examiner requests that the applicable “additional” phrases be replaced with

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definite terminology such as "second" for example. Because of these and other mistakes found in the specification, Examiner requests that the entire disclosure be reviewed.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

For example, see ";" at line 9 and "means" at line 14.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 4, "and acquires from a profile database storing..." is indefinite. For the purpose of the following rejection over prior art, quoted limitation is interpreted as acquiring user's profile information and his identification.

Regarding claim 5, means including means are indefinite. For the purpose of the following rejection over prior art, the claim is interpreted as providing interface access to user(s).

The claims mentioned above are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Handel et al. (U.S. Patent No. 6,195,651).

Regarding claims 1 and 22, Handel discloses a product information method/program wherein: (see title)

acquiring profile information (fig. 10A, item 1060) of a user (fig. 10A, item 1010) wishing to look up basic information for an individual product; (fig. 10A)
selecting (fig. 10A, item 1070) and presenting (fig. 10A, item 1010, *customer's web browser*) to said user basic information (fig. 10A, item 1080) of a product group that said user wishes to look up from a product information database storing basic information of said individual product; and

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selecting and presenting (fig. 10A, 1020) to said user (fig. 10A, 1010) additional information (fig. 10A, 1040) regarding products in said product group that corresponds to said user profile information (col. 35, lines 13-16) from a database storing additional information (*content database*) for said individual product (see col. 30, lines 37-47).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handel et al. (U.S. Patent No. 6,195,651).

Regarding claims 2, 5, 7, 8, 14 Handel discloses a product information system comprising: (see title)

profile information acquisition means (fig. 10A, item 1020) for acquiring profile information (fig. 10A, 1060) of a user (fig. 10A, 1010) wishing to look up basic information for an individual product; (fig. 10A, items 1080)

a product information database storing basic information for said individual product; (fig. 10A, item 1080)

product information presentation means (fig. 10A, 1010) for presenting from said product information database (fig. 10A, 1080) basic information of a product group that said user wishes to look up (fig. 10A, item 1010 and col. 29, line 64 to col. 30, line 14);

a second information database storing additional information for said individual products; (fig. 10A, item 1040)

display parameters *processing* means (fig. 10A, 1020) for selecting corresponding additional information from said second information database (fig. 10A, 1040) based on profile information (fig. 10A, 1060) acquired by said profile information acquisition means; (fig. 10A, item 1020)

an information presentation means (fig. 10A, 1010 *browser displays server's 1070 and 1020 information*) for presenting to said user (fig. 10A, 1010) additional information (fig. 10A, 1040) selected by said display parameters processing means (fig. 10A, 1010 *browser*), but

Handel does not expressly teach two unique information presentation means. However, it would have been the ordinary skilled artisan's assessment that having a presentation means that is capable of outputting the same data that of the two presentation means claimed, it would have been obvious to a person of ordinary skill at the time the invention was made to use a supplemental presentation means to have two presentation means for use with multiple applications. One of ordinary skill in the art would have been motivated to use multiple presentation means to meet client needs.

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Regarding claims 3, 4, 6 and 9, Handel discloses the profile information acquisition means conducts wireless communication with a user terminal storing that user's profile information to acquire the user's profile information (fig. 17, items 1710, 1730 and 1750).

(Note: identification of a user is inherent from a user profile)

Regarding claim 10, Handel discloses a product information management server manages a profile database (fig. 10A, 1060 and 1020, and col. 34, lines 35-38).

(Note: merchants trying to provide a service to the user further imply they manage the profile)

Regarding claim 11, Handel teaches a customer management server (fig 10A, 1020) interconnected with said product information server (fig. 10A, 1070) manages a profile database (fig. 10A, 1060, and col. 34, lines 35-38).

(Note: the profile gateway server receives all requests for profile information from the user himself)

Regarding claims 12 and 13, Handel discloses product information server (fig. 10A, 1070) manages said second information database (fig. 10A, 1040).

(Note: server 1070 manages 1040 along with server 1020)

Regarding claims 15-19, Handel discloses a java applet for displaying information, accepting text input (col. 8, lines 35-61), and managing text messages (fig. 11, items 1111-1122).

(Note: for more detail also see agents on col. 35 lines 38-61)

Regarding claims 20 and 21, Handel discloses an order procedure accepting product orders from user terminal (fig. 10A, items 1090 and 1010).

Conclusion

To expedite the process of examination Examiner requests that all future correspondences in regard to overcome prior art rejections or other issues (e.g. 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of art with respect to searching based on user profiles:

U.S. Patent No. 6,317,734 of Zellweger

U.S. Patent No. 6,199,099 of Gershman

EP 1091584 A2 of Song et al.

and, a product labeling system:

U.S. Patent No. 6,298,332 of Montague.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is 703-305-7156. The examiner can normally be reached on Mon-Fri, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MF

May 2, 2003


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
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